



Illinois Environmental Protection Agency • P. O. Box 19276, Springfield, IL 62794-9276

217/782-6761

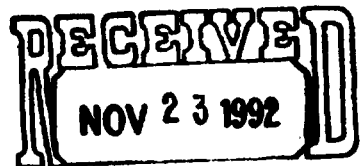
November 19, 1992

CERTIFIED MAIL

435 091 800

Cerro Copper Products Company  
Attn: Joseph M. Grana  
Post Office Box 66800  
St. Louis, Missouri 63166-6800

Re: COMPLIANCE INQUIRY LETTER  
T631210008 -- St. Clair County  
Cerro Copper Products Company  
ILD080018914  
Compliance File



E & E AFFAIRS

Dear Mr. Grana:

The purpose of this letter is to address the status of the above-referenced facility in relation to the requirements of 35 Ill. Adm. Code Part 722, Subparts A through D and Part 728, Subparts A, C and D and to inquire as to your position with respect to the apparent violations identified in Attachment A and your plans to correct these apparent violations. The Agency's findings of apparent non-compliance in Attachment A are based on an inspection completed on October 20, 1992. For your convenience a copy of the inspection report is enclosed with this letter.

Please submit in writing, within fifteen (15) calendar days of the date of this letter, the reasons for the identified violations, a description of the steps which have been taken to correct the violations and a schedule, including dates, by which each violation will be resolved. The written response, and two copies of all documents submitted in reply to this letter, should be sent to the following:

Deanne Virgin  
Compliance Unit  
Planning and Reporting Section  
Illinois Environmental Protection Agency  
Division of Land Pollution Control  
2200 Churchill Road  
Post Office Box 19276  
Springfield, Illinois 62794-9276

Further, take notice that non-compliance with the requirements of the Illinois Environmental Protection Act and rules and regulations adopted thereunder may be the subject of enforcement action pursuant to either the Illinois Environmental Protection Act, Ill. Rev. Stat., Ch. 111 1/2, Sec. 1001 et seq. or the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Sec. 6901 et seq.



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If you have any questions regarding the above, please contact Chris Cahnovsky at 618/346-5120.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian S. White".

Brian S. White, Manager  
Compliance Unit  
Planning and Reporting Section  
Division of Land Pollution Control

BSW:CNC:DV:kc/2801r,18-19



Attachment A

1. Pursuant to 35 Ill. Adm. Code 722.134(a), except as provided in subsections (d), (e) or (f), a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that:
  1. The waste is placed in containers and the generator complies with 35 Ill. Adm. Code 725. Subpart I or the waste is placed in tanks and the generator complies with 35 Ill. Adm. Code 725. Subpart J except 35 Ill. Adm. Code 725.297(c) and 725.300. In addition, such a generator is exempt from all the requirements in 35 Ill. Adm. Code 725. Subparts G and H, except for 35 Ill. Adm. Code 725.211 and 725.214;
  2. The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
  3. While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste", and
  4. The generator complies with the requirements for owners or operators in 35 Ill. Adm. Code 725 Subparts C (Preparedness and Prevention) and D (Contingency Plan and Emergency Procedures) and with 35 Ill. Adm. Code 725.116 (Personnel Training).

You are in apparent violation of 35 Ill. Adm. Code 722.134(a) in that item(s) 1, 2, 3 and 4 above was/were not complied with.

Specifically, the requirements of item 1 and/or 4 above (listed by regulation) which were not complied with, as well as the deficiencies observed, are:

- a. Pursuant to 35 Ill. Adm. Code 725.152(c), the contingency plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors and state and local emergency response teams to coordinate emergency services, pursuant to Section 725.137. You are in apparent violation of 35 Ill. Adm. Code 725.152(c) for the following reason(s): failure to document the contingency plan arrangements with local hospitals.
- b. Pursuant to 35 Ill. Adm. Code 725.152(e), the contingency plan must include an up-to-date list of all emergency equipment at the facility. The plan must include the location and a physical description of each item and a brief outline of its capabilities. You are in apparent violation of 35 Ill. Adm. Code 725.152(e) for the following reason(s): Failure to provide a list of the facility's emergency equipment's physical description, capacity, and location in the contingency plan.



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- c. Pursuant to 35 Ill. Adm. Code 725.153, a copy of the contingency plan and all revisions to the plan must be:

- a) Maintained at the facility; and
- b) Submitted to all local police departments, fire departments, hospitals and state and local emergency response teams that may be called upon to provide emergency services.

You are in apparent violation of 35 Ill. Adm. Code 725.153 in that condition(s) b above was/were not complied with.

- d. Pursuant to 35 Ill. Adm. Code 725.294:

- a. Hazardous wastes or treatment reagents must not be placed in a tank system if they could cause the tank, its ancillary equipment or the secondary containment system to rupture, leak, corrode or otherwise fail.
- b. The owner or operator shall use appropriate controls and practices to prevent spills and overflows from tank or secondary containment systems. These include at a minimum:
  - 1. Spill prevention controls (e.g. check valves, dry disconnect couplings);
  - 2. Overfill prevention controls (e.g., level sensing devices, high level alarms, automatic feed cutoff or bypass to a standby tank); and
  - 3. Maintenance of sufficient freeboard in uncovered tanks to prevent overtopping by wave or wind action or by precipitation.
- c. The owner or operator shall comply with the requirements of Section 725.296 if a leak or spill occurs in the tank system.

You are in apparent violation of 35 Ill. Adm. Code 725.294 for the following reason(s): Failure to provide sufficient freeboard in the hazardous waste oil tank. Failure to provide overfill and spill prevention controls.

- e. Pursuant to 35 Ill. Adm. Code 725.295(a), the owner or operator shall inspect, where present, at least once each operating day:
- 1. Overfill/spill control equipment (e.g., waste-feed cutoff systems, bypass systems and drainage systems) to ensure that it is in good working order;



2. The above ground portion of the tank system, if any, to detect corrosion or releases of waste;
3. Data gathered from monitoring equipment, (e.g., pressure and temperature gauges, monitoring well(s)) to ensure that the tank system is being operated according to its design; and
4. The construction materials and the area immediately surrounding the externally accessible portion of the tank system including secondary containment structures (e.g., dikes) to detect erosion or signs of releases of hazardous waste (e.g., wet spots, dead vegetation);

(Board Note: Section 725.115(c) requires the owner or operator to remedy any deterioration or malfunction the owner or operator finds. Sections 725.296 requires the owner or operator to notify the Agency within 24 hours of confirming a release. Also, 40 CFR 302 (1986) may require the owner or operator to notify the National Response Center of a release.

You are in apparent violation of 35 Ill. Adm. Code 725.295(a) for the following reason(s): Failure to conduct adequate daily inspections of the hazardous waste tank.

2. Pursuant to 35 Ill. Adm. Code 728.107(a)(6), generators shall retain on-site a copy of all notices, certifications, demonstrations, waste analysis data and other documentation produced pursuant to this Section for at least five years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage or disposal. The five year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency.

You are in apparent violation of 35 Ill. Adm. Code 728.107(a)(6) for the following reason(s): Failure to retain copies of Land Disposal Restriction notification forms for numerous manifests.

# RCRA INSPECTION REPORT

**TYPE OF FACILITY****TYPE OF INSPECTION**

### ***NON-REGULATED STATUS***

**PART A****PART B PERMIT APPLICATION**

## ENFORCEMENT

### ORDERS ISSUED

**TSD FACILITY ACTIVITY SUMMARY**

RECEIVED  
29 OCT 1992  
IEPA/DLPC

**OWNER****OPERATOR**

Name <u>Cerro Copper Products Co</u>	Name <u>Same</u>
Address <u>P.O. Box 66800</u>	Address
City <u>St. Louis</u>	City
State <u>Mo.</u> Zip <u>63166-6800</u>	State Zip
Phone # <u>(618) 337-7273</u>	Phone #

**PERSON(S) INTERVIEWED****TITLE****PHONE #**

<u>Joe Grana</u>	<u>Manager of Environmental and Energy Affairs</u>	<u>618/337-6000</u>
<u>Joe Burroughs</u>	<u>Environmental Engineer</u>	<u>618/337-6000</u>

**INSPECTION PARTICIPANT(S)****AGENCY/TITLE****PHONE #**

<u>Chris Cahovsky</u>	<u>IEPA / EPS II</u>	<u>618/346-5120</u>
<u>Gina Search</u>	<u>IEPA / LECT</u>	<u>618/346-5120</u>

**PREPARED BY****AGENCY/TITLE****PHONE #**

<u>Chris Cahovsky</u>	<u>IEPA / EPS II</u>	<u>618/346-5120</u>
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**SUMMARY OF APPARENT VIOLATIONS**

Area	Class	Section
<u>GPT</u>	<u>1</u>	<u>722.134(a)</u>
		<u>[725.194]</u>
		<u>[725.295(a)]</u>
		<u>[725.152(c)]</u>
		<u>[725.152(e)]</u>
		<u>[725.153]</u>
<u>GLB</u>	<u>2</u>	<u>728.107(a)(6)</u>

Area	Class	Section

Area	Class	Section

Facility Name: Cerro Cuyana  
 USEPA #: IL D080618914  
 IEPA #: 1631210008

# WASTE DISPOSITION FORM

Waste Name (include haz & waste for which no determination has been made)	Generating Process (For waste gen. on site. N/A for TSD)	Date of Last Analysis	USEPA Haz Waste #	On Annual Report for: (Circle if present; cross out if not present)			Amount on Site	Rate of Generation	Last Manifested Shipment	Disposition		
				* On 8700-12	* On 3510-3	* 19						
Still Bottom sludge	Solvent Recovery Still	Listed	F001	YES	N/A	G	G	G	3-55 gal	1650 gal/YR	10/15/92	Clayton Chemical Savoyet, IL.
Cont. Waste oil	Finishing machines	Each Batch Analyzed	D001 D008 D005	NO		G	G	G	3370 gallons	49,765 gal/YR	8/27/92	Safety-Kleen Clarksville
Electropolishing solution Phosphoric Acid	Clean-out of Electropolishing Unit	Listed	D002	NO		G	G	G	none	940 gal	6/13/92	Heritage Env.
Stripper Dip mix	Stripper dip TANK	Listed	D001	NO		G	G	G	non	9101 gal/YR	9/26/92	Safety-Kleen New Castle
III, -Trichloroethene liquid	Solvent Recovery Still	Listed	F001	YES		G	G	G	220 gal	79,790 gal/YR	10/07/92	Clayton Chemical Savoyet, IL.
						G	G	G				
						G	G	G				
						G	G	G				
Waste oil	Plant operations	NH	NH	NO	N/A	G	G	G	BULK	50,000	8/3/92	Ecogard/First Recovery
						G	G	G				

\* All "NO" responses must be explained in narrative.



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Sauget/Cerro Copper  
ILD080018914

#### REMARKS

On October 20, 1992, a CEI inspection was conducted at Cerro Copper Products Company in Sauget, Illinois. This inspection was conducted by Chris Cahnovsky and Gina Search (IEPA). Present during this inspection were Joe Grana, Manager of Environmental and Energy Affairs and Joe Burroughs, Environmental Engineers. Cerro Copper is a copper refinery. The facility consists of two manufacturing operations which produce copper cathode and copper tubing. Cerro Copper uses copper-bearing scrap and virgin copper by-products which are generated as a result of refining operations. These by-products are either reused on-site or shipped off-site to other reclaiming facilities.

Cerro maintains three primary waste accumulation areas. The first area inspected was the distillation unit and vapor degreaser in Tube Mill #2 Building. In this distillation unit, solvents are recycled back into the vapor degreaser. When the solvent has become spent it is drummed and sent to the drum accumulation area for shipment off-site. No waste was present at this distillation unit at the time of this inspection. The second waste accumulation area is a solvent distillation unit located in the Dock and Storage Building. This area receives spent solvents from the finishing machines. The spent solvents are reclaimed and sent back to the finishing machines for reuse. The waste produced by this unit are still bottoms which are drummed and sent to the drum accumulation area in the Salvage Building. All drums in this area were being handled properly. The Salvage Building is the main drum accumulation area. Several waste streams are accumulated at this location and they include hazardous waste oil, spent solvents, and still bottoms. Waste oil is tested on a routine basis to determine if it has been contaminated with solvents. This waste oil is drummed in the plant and the drums are later poured by hand into a 1500 gallon open top tank. This tank has a screen to prevent trash from entering the tank and is surrounded by secondary containment. This tank is routinely pumped out by Safety-Kleen. This open top tank was observed not to have adequate freeboard to prevent overflow. Also, no spill prevention control and overflow prevention controls were observed on this tank. These are an apparent violation of 722.134 (a)(1) (Specifically 725.294). Daily inspections of this tank have only recently been conducted. These inspections do not adequately address the portions of the tank system that need to be inspected. This is apparent violations of 722.134 (a)(1) (specifically 725.295 (a)). Also, two drums of hazardous waste oil were observed not to have hazardous waste labels or dates. This is an apparent violation of 722.134(a)(2)&(3).

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Cerro has several satellite accumulation points at the finishing machines located in the Tube Mill #2 Building. Solvents are used in the finishing machine to degrease oil from the copper tubing. No wastes were present in these areas.

A review of Cerro's records was conducted during this inspection. While reviewing Cerro's Contingency Plan several discrepancies were noted. This plan does not describe arrangements with local hospitals and does not identify the physical description, location and capacity of emergency equipment being maintained at this site. These are apparent violations of 722.134 (a)(4) (specifically 725.152 (c) and 725.152 (e) respectively). According to Mr. Grana, the contingency plan had not been distributed to the proper local authorities. This is an apparent violation of 722.134 (a)(4) (specifically 725.153). During the review of the facility's manifests, it was noted that numerous manifests did not have Land Disposal Restriction Notification Forms attached. This is an apparent violation of 728.107 (a)(6).

CNC

